

Assembly Bill No. 2135

Passed the Assembly April 30, 1998

Chief Clerk of the Assembly

Passed the Senate July 9, 1998

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 1998, at ____ o'clock __M.

Private Secretary of the Governor

└

CHAPTER ____

An act to amend Sections 7.6, 7.7, and 7.8 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953), relating to the San Benito County Water District.

LEGISLATIVE COUNSEL'S DIGEST

AB 2135, Frusetta. San Benito County Water District.

(1) The San Benito County Water District Act authorizes the San Benito County Water District to levy a groundwater charge, as prescribed, and includes provisions requiring the preparation of an investigation and report on the groundwater conditions of the district, to hold a public hearing on the report, and to determine whether or not a groundwater charge should be levied as specified, based on a water year from March 1st of a calendar year to the last day of February of the following calendar year.

This bill would require that investigation and report to reflect groundwater conditions for a period commencing October 1 of the preceding calendar year through September 30 of the current year, and would make related changes. The bill would require the district to also hold a public hearing to determine if a groundwater charge should be levied, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 7.6 of the San Benito County Water District Act (Chapter 1598 of the Statutes of 1953) is amended to read:



Sec. 7.6. The board may by resolution require the district to annually prepare an investigation and report on groundwater conditions of the district and the zones thereof, for the period from October 1 of the preceding calendar year through September 30 of the current year and on activities of the district for protection and augmentation of the water supplies of the district and the zones thereof. The investigation and report shall include all of the following information:

(a) Information for the consideration of the board in its determination of the annual overdraft.

(b) Information for the consideration of the board in its determination of the accumulated overdraft as of September 30 of the current calendar year.

(c) A report as to the total production of water from the groundwater supplies of the district and the zones thereof as of September 30 of the current calendar year.

(d) An estimate of the annual overdraft for the current water year and for the ensuing water year.

(e) Information for the consideration of the board in its determination of the estimated amount of agricultural water and the estimated amount of water other than agricultural water to be withdrawn from the groundwater supplies of the district and the zones thereof for the ensuing water year.

(f) The amount of water the district is obligated to purchase during the ensuing water year.

(g) A recommendation as to the quantity of water needed for surface delivery and for replenishment of the groundwater supplies of the district and the zones thereof the ensuing water year.

(h) A recommendation as to whether or not a groundwater charge should be levied in any zone or zones of the district during the ensuing water year.

(i) If any groundwater charge is recommended, a proposal of a rate per acre-foot for agricultural water and a rate per acre-foot for all water other than agricultural water for such zone or zones.

(j) Any other information the board requires.



SEC. 2. Section 7.7 of the San Benito County Water District Act (Chapter 1598 of the Statutes of 1953) is amended to read:

Sec. 7.7. (a) On the third Monday in December of each year, the groundwater report shall be delivered to the clerk of the board in writing. The clerk shall publish, pursuant to Section 6061 of the Government Code, a notice of the receipt of the report and of a public hearing to be held on the second Monday of January of the following year in a newspaper of general circulation printed and published within the district, at least 10 days prior to the date at which the public hearing regarding the groundwater report shall be held. The notice shall include, but is not limited to, an invitation to all operators of water-producing facilities within the district to call at the offices of the district to examine the groundwater report.

(b) The board shall hold, on the second Monday of January of each year, a public hearing, at which time any operator of a water-producing facility within the district, or any person interested in the condition of the groundwater supplies or the surface water supplies of the district, may in person, or by representative, appear and submit evidence concerning the groundwater conditions and the surface water supplies of the district. Appearances also may be made supporting or protesting the written groundwater report, including, but not limited to, the engineer's recommended groundwater charge.

SEC. 3. Section 7.8 of the San Benito County Water District Act (Chapter 1598 of the Statutes of 1953) is amended to read:

Sec. 7.8. (a) Prior to the end of the water year in which a hearing is held pursuant to subdivision (b) of Section 7.7, the board shall hold a public hearing, noticed pursuant to Section 6061 of the Government Code, to determine if a groundwater charge should be levied in any zone or zones. If the board determines that a groundwater charge should be levied, it shall levy, assess, and affix such a charge or charges against all persons



operating groundwater-producing facilities within the zone or zones during the ensuing water year. The charge shall be computed at a fixed and uniform rate per acre-foot for agricultural water, and at a fixed and uniform rate per acre-foot for all water other than agricultural water. Different rates may be established in different zones. However, in each zone, the rate for agricultural water shall be fixed and uniform and the rate for water other than agricultural water shall be fixed and uniform. The rate for agricultural water shall not exceed one-third of the rate for all water other than agricultural water.

(b) The groundwater charge in any year shall not exceed the costs reasonably borne by the district in the period of the charge in providing the water supply service authorized by this act in the district or a zone or zones thereof.

(c) Any groundwater charge levied pursuant to this section shall be in addition to any general tax or assessment levied within the district or any zone or zones thereof.

(d) Clerical errors occurring or appearing in the name of any person or in the description of the water-producing facility where the production of water therefrom is otherwise properly charged, or in the making or extension of any charge upon the records which do not affect the substantial rights of the assessee or assesses, shall not invalidate the groundwater charge.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.



Approved _____, 1998

Governor

